



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,213	10/01/2003	Yong Rui	MS1-1676US	9605

22801 7590 09/10/2010
LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
----------	--------------

2614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No. 10/677,213	Applicant(s) RUI ET AL.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 15-35, 38-52, 54-62, 64-83, 85, 87 and 91-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-52, 54-62, 64-83, 85 and 87 is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-35, 38-52, 54-62, 64-83, 85, 87 and 91-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 07/06/2010. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1-11, 15-35, 38-52, 54-62, 64-83, 85, 87 and 91-95 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-11, 15-28, 30-35, 38-46, 54-62, 64-69 and 91-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application,

Pub. No.: 2002/0093531 A1) in view of Christie et al. (US Patent Application, Pub. No.: 2007/0156910 A1) and further in view of Day (US PAT # 7,266,189).

claims 1 and 27, Barile discloses a method and computer-readable medium having computer-executable instructions that upon execution, facilitate a computing device in performing operations comprising: receiving an identifier (e.g., caller ID information) of a first participant of a plurality of participants of a multi-party conference (See pg. 3, paragraph [0031]; receiving a first signal (e.g., audio signal) indicating that the first participant is providing information to the multi-party conference; and displaying a first indication (e.g., video image) that the first participant is providing information to the multi-party conference in response to the received first signal (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]), wherein the first indication comprises displaying the identifier at a position within a list of identifiers of the plurality of participants designated for a participant providing information to the multi-party conference (See pg. 3, paragraph [0035]).

Barile does not specifically teach that “displaying the identifier at a top position”.

However, Christie teaches a method and an apparatus are provided for controlling a graphical user interface to display information related to a communication session. Information relating to data produced by a first participant to the communication session is displayed on a first display unit, wherein the information

Art Unit: 2614

produced by the first participant is displayed at a first position on the first display unit (abstract of the invention).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of displaying information related to the first participant in the first position, as taught by Christie, into the teachings of Barile in order to assign priority and distinguish participant who is taking a role or speaking in a conference or a session.

Neither Barile nor Christie alone or in combination specifically teach “wherein the identifier of the first participant comprises a location associated with the first participant”.

However, Day teaches identifying teleconference participants, by identifying the participant last to speak position (see abstract). See also, Fig. 5 and 6A and corresponding text.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of determining the location and position of participants within a teleconference session, as taught by Day, into the combination of Barile and Christie in order to identify each participant within the teleconference which enhances the efficiency of the conference call.

In regards to claims 2 and 42, Barile discloses the method and system, further comprising terminating the first signal (e.g., displaying the participant in a smaller window and/or not highlighting the window which displays the participant) when the first participant is no longer providing information to the multi-party conference (See pg. 3, paragraph [0030]).

In regards to claim 3, Barile discloses the method, further comprising terminating display (e.g., displaying the participant in a smaller window and/or not highlighting the window which displays the participant) of the first indication in response to termination of the first signal (See pg. 3, paragraph [0030]).

In regards to claims 4, 28, 43, and 44, Barile discloses the method, computer-readable medium, and system, further comprising: while displaying the first indication, displaying an identifier of a second participant of the plurality of participants without indicating that the second participant is providing information to the multi-party conference (See Fig. 3, Fig. 4, and pg. 3, paragraph [0031]).

In regards to claims 5 and 59, Barile discloses all of claims 5 and 29 limitations, except the method and computer-readable medium, wherein the first indication comprises displaying the identifier so as to flash. Barile, however, does disclose wherein the first indication comprises displaying the identifier using a preselected color scheme (See pg. 3, paragraph [0032], wherein the first indication comprises displaying

Art Unit: 2614

the identifier as an animated (e.g., moving) graphic (e.g., images) (See pg. 3, paragraph [0033]), wherein the first indication comprises displaying the identifier using video (See pg. 1, paragraph [0008]), and wherein the first indication comprises displaying the identifier as a photograph (See Fig. 3). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the feature of displaying the identifier so as to flash, as a way of further indicating which participant is currently active or speaking.

In regards to claims 6 and 30, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier using a preselected color scheme (See pg. 3, paragraph [0032]).

In regards to claims 7 and 31, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier as an animated (e.g., moving) graphic (e.g., images) (See pg. 3, paragraph [0033]).

In regards to claims 8 and 32, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier using video (See pg. 1, paragraph [0008]).

In regards to claims 9 and 33, Barile discloses the method and computer-

Art Unit: 2614

readable medium, wherein the first indication comprises displaying the identifier as a photograph (See Fig. 3).

In regards to claims 10 and 34, Barile discloses the method and computer-readable medium, wherein the first indication comprises displaying the identifier with a graphic proximate to the identifier of the first participant (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claims 11 and 35, Barile discloses the method and computer-readable medium, wherein the graphic proximate to the identifier of the first participant comprises text (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claims 15, 38, and 45, Barile discloses the method, computer-readable medium, and system, wherein the first signal is received when the first participant is speaking over an audio link (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]).

In regards to claim 16, Barile discloses the method, wherein the audio link comprises a telephone link (See pg. 3, paragraph [0038]).

In regards to claim 17, Barile discloses the method, wherein the audio link comprises a satellite link (See pg. 3, paragraph [0038]).

In regards to claim 18, Barile discloses the method, wherein the audio link comprises a voice over Internet Protocol (VoIP) link (See pg. 3-4, paragraph [0040]).

In regards to claim 19, Barile discloses the method, further comprising receiving information from a second participant of the plurality of participants via a network while the first participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, and pg. 1, paragraph [0007]).\

In regards to claim 20, Barile discloses the method, wherein receiving information from the second participant further comprises receiving information via client-server communication over the network (See pg. 3-4, paragraph [0040]).

In regards to claim 21, Barile discloses the method, wherein receiving information from the second participant further comprises receiving information via peer-to-peer communication over the network (See Abstract).

In regards to claim 22, Barile discloses the method, wherein the network comprises the Internet (See pg. 3-4, paragraph [0040]).

In regards to claim 23, Barile discloses the method, wherein the network comprises a local area network (See pg. 3-4, paragraph [0040]).

In regards to claim 24, Barile discloses the method, wherein the network comprises a wireless network (See pg. 3, paragraph [0038]).

In regards to claims 25 and 39, Barile discloses the method and computer-readable medium, further comprising: concurrently with the first indication, displaying a second indication that a second participant of the plurality of participants is providing information to the multi-party conference in response to receiving a second signal concurrently with the first signal, the second signal indicating that the second participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, and pg. 1, paragraph [0007]).

In regards to claims 26 and 40, Barile discloses the method and computer-accessible medium, further comprising suppressing an indication of a second participant of the plurality of participants in response to receiving a signal concurrently indicating that the second participant is providing information to the multi-party conference (See Fig. 4, Fig. 5, pg. 1, paragraph [0007], and pg. 2, paragraph [0026]).

Claim 41 is rejected for the same reasons as discussed above with respect to claim 1 and 27, respectively. Also for claim 41, Barile discloses a system for multi-party conferencing for a plurality of participants (See Abstract), the system comprising: a user interface (UI) (See Fig. 2 and display 30, which consist of windows 100 and 102); an

Art Unit: 2614

information source indicator to cause the UI to display an identifier (e.g., video image) corresponding to a participant in response to receiving a signal (e.g. audio signal) that indicates that the participant is providing information to the multi-party conference, wherein the displayed identifier has a property that indicates that the participant is providing information to the multi-party conference (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]).

In regards to claim 46, Barile discloses the system, wherein the UI is to selectively display additional information received from the network while the participant is providing information to the multi-party conference (See Fig. 5 and pg. 3, paragraph [0034]).

In regards to claim 92, Barile discloses the method, computer-readable medium, and system, wherein the signal is transmitted over a network to participants of a multi-party conference (See pg. 1, paragraph [0001] – [0002]).

In regards to claim 93, Barile discloses the system, wherein the audio discriminator is a component of the sourcing signaler (See pg. 2, paragraph [0026]).

Claim 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et

Art Unit: 2614

al. (Pub. No.: 20090052642) and further in view of Disney et al. (US PAT # 6,289,388).

In regards to claim 91, Barile discloses a system, comprising: a first participant equipment (See Fig. 2 and mobile terminal 10) including: an audio discriminator to determine whether a detected acoustic signal (e.g., audio signal) was generated by a person in speaking; and a source signaler to selectively provide a signal (e.g., video signal) indicating to a second participant equipment (e.g., mobile terminal) that the person is speaking in response to a determination by the audio discriminator that the detected acoustic signal (e.g., audio signal) was generated by the person in speaking (See pg. 1, paragraph [0005] and pg. 2, paragraph [0026]). Barile teaches in [0043] that frequency analysis could be performed on the audio samples, although such a process would be more processing-intensive than the above described processing. A Fast-Fourier Transform (FFT) or similar time-to-frequency conversion in the standard, high-energy portion of the speaker's voice band can be performed to determine that the speaker is indeed speaking and the audio signal coming from the remote participant is not ambient or network noise. Also, Barile discloses the method and computer-readable medium, wherein classifying the received frame further comprises classifying the received frame as one of the plurality of predetermined frame types comprising a live-type frame and a phone-type frame, wherein live-type frames represent frames determined to be derived from acoustic signals generated by a person speaking, and phone-type frames represent frames determined to be derived from acoustic signals

Art Unit: 2614

generated by an audio transducer device (See pg. 2, paragraph [0026] and pg. 4, paragraph [0042]).

Barile does not specifically teach “receiving a frame of audio data derived from the detected acoustic signal; classifying the received frame based on spectral data of the received frame ...etc”.

However, Tackin teaches the use of a human voice detector service that monitors the signal received and analyzes that signal to determine the type of this received signal, whether it is a human voice or not [see 0475-0476]. Thus, the claimed features of “receiving a frame of audio data derived from the detected acoustic signal; classifying the received frame based on spectral data of the received frame ...etc” as recited in the claim language is nothing but analyzing the received signal to determine whether it is a human voice or not.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing the signal in order to determine a human voice, as taught by Tackin, into the Barile’s system in order to provide a method of identification to participants in the conference call.

The combination of Barile and Tackin does not specifically teach the “unsure-type frames”.

However, Disney teaches that router 80 determines the type of frame and stores identification for that type. If the Frame was unidentified, then it is categorized as unknown type frame. For Example, router 80 determines from the control field of the LLC header whether the frame is an Unnumbered Information (UI) type frame (i.e., a frame type used for "information" (data) frames in the 802.2 LLC protocol. If the frame is not a UI frame, then it is identified as having an UNKNOWN type, and a corresponding value is stored in a type of frame_rcvd variable at line 208 to indicate the UNKNOWN type. If in line 204, the frame is determined to be a UI frame, then at lines 206, the router 80 further determines whether the frame is an IP frame, an ARP frame, or an UNKNOWN type, and stores the identified type in the type_of frame_rcvd variable (see col. 22, lines 24-46). Note that the Examiner interpreting the claimed "unsure-type frame" as the unknown type frame as discussed above.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of determining the frame type and identifying unknown frame type when it is not an IP frame or ARP frame, as taught by Disney, into the combination of Barile and Tackin in order to provide speed and convenience to identify and categorize the frame type when is previously determined.

Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et al. (Pub. No.: 20090052642) and further in view of Holzrichter (US 6,006,175).

In regards to claim 94, Barile discloses all of claim 94 limitations, except a hidden Markov model (HMM) machine to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type. Holzrichter, however, does disclose a hidden Markov model (HMM) machine to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type (See col. 2 lines 54-60 and col. 55 lines 59-62). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of statistically identifying the phoneme being spoken in the examined time frame or frames by operating on the feature vectors.

Claim 95 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barile (US Patent Application, Pub. No.: US 2002/0093531 A1), in view of Tackin et al. (Pub. No.: 20090052642) and further in view of Braida et al. (US 6,317,716).

In regards to claim 95, Barile discloses all of claim 95 limitations, except a finite state machine (FSM) to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type. Braida, however, does disclose a finite state machine (FSM) to determine whether the detected acoustic signal was sourced by an acoustic signal generated by a person speaking using the classification of the frame-type (See col. 10 lines 48-63).

Art Unit: 2614

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of speech cueing, in which speech elements initially delivered by a speaker are recognized.

Response to Arguments

3. Applicant's arguments filed 07/06/2010 have been fully considered but they are not persuasive.

Applicant's argues (Page 28 of the Remarks) that "The graphical embodiment of table 316 in Fig. 5 of Day fails to teach or suggest 'displaying' on a user interface, ... the identifier of the first participant comprises a location associated with the first participant,' as recited in claim 1". The Examiner respectfully disagrees with applicant's argument because as admitted by applicant (Page 26 of the Remarks) that Day is directed to a "method for identifying teleconference participants". Thus, Day identify the ***participant last*** to speak ***position*** as clearly shown in Figs. 5 and 6A and corresponding text. The Examiner interpreted the teachings of identifying the participant last to speak position as discussed by Day, as the claimed limitation of "the identifier of the first participant comprises a location associated with the first participant". The Examiner believes that the 35 U.S.C 103 (a) rejection clearly addressed this limitation.

Applicant also argues (Page 28 of the Remarks) that "Neither the initialization module or server described in Day teaches or suggests that the table in Fig. 5 is displayed on a user interface". It is noted that Applicant is implying that claimed

Art Unit: 2614

language recites "that the table in Fig. 5" should be displayed on a user interface.

However, there is no such a limitation recited in the claim's language. Therefore, it appears that Applicant is reading into the claim's language. Also, Day was introduced to teach "wherein the identifier of the first participant comprises a location associated with the first participant". The claimed feature of "displaying, on the user interface, the identifier at a top position" was disclosed by Christie as explained in the above rejection. Thus, it appears that applicant is arguing each reference individually and not considering the 35 U.S.C 103 (a) rejection as a whole.

Applicant also argues (Page 28 of the Remarks) that "Day does not teach or suggest that the information in table 316 can be displayed on a user interface". Again, the applicant implies that claim's language should recite "that the information in table 316 can be displayed on a user interface". However, there is no such a limitation recited in the claim's language. Therefore, it appears that Applicant is reading into the claim. Also, displaying any type of information on display and presenting this information to the user is extremely old and well known feature in the art. Presenting any type of information on a user interface can be considered a design choice of Applicant and does not rise the invention to the level of patentability.

The examiner believes that all other arguments are already addressed in the above rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2614

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S. AL-Aubaidi/

Primary Examiner, Art Unit 2614